

EXHIBIT B

Page 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MICK ROCK,

Plaintiff,

-against- No. 1:17-cv-02618-ALC

ENFANTS RICHES DEPRIMES, LLC, BARNEYS NEW YORK,
INC., and THE REALREAL, INC.,

Defendants.

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Deposition of MICHAEL D. ROCK
New York, New York
Friday, March 9, 2018 - 9:55 a.m.

Reported by:

Aydil M. Torres, CSR

Job no: 21016

<p>1 2 March 9, 2018 3 9:55 a.m. 4 5 Deposition of MICHAEL D. 6 ROCK, held at the offices of Loeb & 7 Loeb, LLP, 345 Park Avenue, 8 New York, New York, pursuant to 9 Notice, before Aydil M. Torres, a 10 Notary Public of the State of 11 New York. 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>Page 2</p> <p>1 2 S T I P U L A T I O N S 3 4 IT IS HEREBY STIPULATED AND AGREED, 5 by and between counsel for the respective 6 parties hereto, that the filing, sealing and 7 certification of the within deposition shall 8 be and the same are hereby waived; 9 IT IS FURTHER STIPULATED AND AGREED 10 that all objections, except as to the form 11 of the question, shall be reserved to the 12 time of the trial; 13 IT IS FURTHER STIPULATED AND AGREED 14 that the within deposition may be signed 15 before any Notary Public with the same force 16 and effect as if signed and sworn to before 17 the Court. 18 19 20 21 22 23 24 25</p>
<p>1 2 3 A P P E A R A N C E S: 4 5 LIEBOWITZ LAW FIRM, PLLC 6 Attorneys for Plaintiff 7 11 Sunrise Plaza, Suite 305 8 Valley Stream, New York 11580 9 BY: RICHARD P. LIEBOWITZ, ESQ. 10 11 12 LOEB & LOEB, LLP 13 Attorneys for Defendants 14 ENFANTS RICHES DEPRIMES, LLC and BARNEYS NEW YORK, 15 INC. 16 345 Park Avenue 17 New York, New York 10154 18 BY: LINNA CHEN, ESQ. 19 lchen@loeb.com 20 21 A L S O P R E S E N T: 22 Barry I. Slotnick, Esq. 23 24 25</p>	<p>Page 3</p> <p>1 2 3 M I C H A E L D . R O C K , 4 the witness herein, having been 5 first duly sworn by a Notary Public 6 of the State of New York, was 7 examined and testified as follows: 8 9 THE REPORTER: Please state 10 your name for the record. 11 THE WITNESS: Michael David 12 Rock. Formally known as, Mick 13 Rock. 14 THE REPORTER: Please state 15 your address for the record. 16 THE WITNESS: 28 Livingston 17 Court, Staten Island, New York 18 10310. 19 E X A M I N A T I O N B Y 20 M S . C H E N : 21 Q. Good morning, Mr. Rock. I 22 represent the Defendant, Enfants Riches 23 Deprimes -- 24 A. I don't know even know who the guy 25 is. 24 Q. Could you please let me finish my 25 questions, before you answer. These are just</p>

2 (Pages 2 to 5)

<p style="text-align: right;">Page 78</p> <p>1 Michael D. Rock 2 Blue Masque. The difference there was, I got 3 100 pounds for Transformer and I got \$1,200 4 for the Blue Masque. So I thought, "Wow, 5 that's" -- "that's" -- "that's interesting," 6 but then I -- by then, I had been around the 7 business for a bit longer. I knew I could 8 make a little more money than I could in the 9 early days. But, again, you could survive 10 anyway, you know, and I would do bits and 11 pieces and people pictures, but the issue of 12 -- I mean, photographs -- it's like album 13 covers, you know, it was all very disposable. 14 I mean, albums were disposable because people 15 were putting out two a year. You are not 16 going to find any copyright credits in the 17 back of those Beatles or in the back of the 18 Rolling Stones albums or the Bob Dylan 19 albums. Like Jerry Salzburg, who is a friend 20 of mine who did Blondie, Blondie, Blondie, 21 because he owned those pictures, and that's 22 from well beyond Transformer. You didn't 23 have that issue of, you know, the notice is 24 bullshit, because nobody dealt with it. It 25 would be like talking to Man Ray. Why didn't</p>	<p style="text-align: right;">Page 80</p> <p>1 Michael D. Rock 2 Q. -- other work -- 3 A. And Raw Power, for instance, that 4 was -- 5 Q. You took pictures -- 6 A. I took pictures -- 7 Q. And then -- 8 A. -- and then afterwards the record 9 label went -- Transformer -- Lou decided. 10 Q. Right, that they wanted to use the 11 photo? 12 A. That they wanted to use it on the 13 front of their cover, yeah. 14 Q. I guess, then, is the difference in 15 sort of the process -- 16 A. Yeah, but at the end of it, it was 17 all the same. 18 Q. Right. 19 A. At the end of it, it was the 20 photographer ultimately owned the pictures. 21 It's like all photographs from that era 22 because -- 23 Q. That's not what I'm asking. 24 A. No, no. Yes, it does matter. 25 Q. That's not what I'm asking.</p>
<p style="text-align: right;">Page 79</p> <p>1 Michael D. Rock 2 he have his copyright notices on all his 3 pictures? People didn't think about it in 4 the same way, in that the pictures were very 5 disposable. 6 Q. Okay, so but -- 7 A. They are totally different worlds. 8 Q. Right, but going -- 9 A. The world that Richard -- I had to 10 talk to him about it, because Barry might 11 understand, because he is a mature man, which 12 means -- 13 MR. SLOTNICK: Old. 14 A. He is old, the same deal, I know. 15 MR. SLOTNICK: Thank you. 16 A. But I'm mature, all right. 17 MR. SLOTNICK: I never get 18 tired of hearing that. 19 Q. Going back to the commissioned 20 verses other work, I mean, the commissioned 21 means somebody said, "I want you to go and 22 take pictures"?" 23 A. And do this, yes. 24 Q. And then whereas -- 25 A. For Transformer.</p>	<p style="text-align: right;">Page 81</p> <p>1 Michael D. Rock 2 A. No, you're not, but I'm filling you 3 in. 4 Q. Okay. 5 A. I know what you don't know, because 6 of my age, and because I've been around this 7 game all these years, with all due respect, 8 sir, is that the record labels didn't even 9 think about it. No one. It never came up. 10 Nobody signed -- you kind of have to sign 11 away your rights, you know, I mean, that's 12 the reality of it. If you -- and nobody ever 13 did. You just send the invoice, get your 14 money, and six months later everybody has 15 forgotten about it anyway. 16 Q. Right. So that's the process I 17 want to talk about. If you're commission -- 18 A. I thought you did. 19 Q. Right. If you are commissioned to 20 work, someone tells you to go and take these 21 pictures, and then what happens from when you 22 take the pictures to when you get paid? 23 Who do you submit the photos to? 24 A. Mostly it would be the act, in my 25 case. I mean, it was a very personal thing.</p>

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1 Michael D. Rock
 2 and it was, I think, generally. I'm sure --
 3 yeah, Bob's relationship with John and Yoko,
 4 that was a personal thing.

5 Q. So you --

6 A. I don't think his stuff were
 7 commissioned. He just took them. We wanted
 8 to use this -- you know, it's the same with
 9 me, whether it was Lou, David, Iggy, any of
 10 these people.

11 Q. Then the artist would say, out of
 12 maybe 100, I want to use these five or six,
 13 and then -- how do you get paid? You send an
 14 invoice?

15 A. The record label will issue -- they
 16 will pay me.

17 Q. Do you issue an invoice?

18 A. Yeah.

19 Q. Is there a license?

20 A. No, you issue an invoice. Nobody
 21 talks about licenses.

22 Q. What does the invoice say?

23 A. Invoice says, you know, "You can
 24 use it on this album cover." That about all
 25 it ever said.

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1 Michael D. Rock

2 Q. And then there is an amount, right?
 3 A. Yeah, and in the case of that, it
 4 was 100 Quid.

5 Q. And then --

6 A. Or \$1,200 for Blue Masque.

7 Q. Did you send them the prints? Or
 8 how did they get the pictures?

9 A. Oh, yeah, you have to supply prints
 10 or clones. With anyone, magazines.

11 Q. Did they ever return those prints?
 12 Did you require them return those prints?

13 A. I never thought about it. Maybe
 14 sometimes they did, sometimes they didn't.
 15 It's a different -- everyone was stoned for
 16 starters, so it's hard for younger people
 17 today to understand what those times were
 18 like. Although you can read about it in
 19 books. But it was a much looser -- I don't
 20 know what mischief Barry got into in his
 21 youth but - and I am sure he knew a lot of
 22 characters.

23 Q. I think he was at Syracuse.

24 THE WITNESS: Oh, you were
 25 at the same time as Lou?

1 Michael D. Rock
 2 MR. SLOTNICK: '68 to '71.
 3 THE WITNESS: I don't know
 4 if Lou -- Lou might have been a
 5 little before that, yeah, he was
 6 about -- but he -- he -- I mean,
 7 Lou was very educated and extremely
 8 articulate and super bright and --
 9 and I loved him. He was my -- he
 10 always said to me -- the pictures I
 11 never published, and I don't.

12 Q. So then --

13 A. That's why everybody still loves
 14 me, because I never published anything --
 15 because my mother, she would just say to me
 16 -- people want me to do books. I go, "I
 17 can't do books." I got a 25-year old
 18 daughter for starters, and I can't be
 19 training anybody, because my mother would sit
 20 on my shoulder and say, "Mick, I don't care
 21 how broke you are" -- she would actually say,
 22 "Michael, you can't tell tales out of
 23 school," and I never did.

24 Q. So was it the same process for how
 25 you got paid if it was pictures that you just

1 Michael D. Rock
 2 took and then you thought, I would try to
 3 sell them?

4 A. Yeah.

5 Q. You give an invoice?

6 A. You give something to the record
 7 label, so they can make the separation, so
 8 they can do the printing, yeah.

9 Q. You submit the same invoice, here
 10 are these pictures to put on whatever album,
 11 this is the amount?

12 A. No, they probably -- yeah, well,
 13 they probably get the thing first and was
 14 going ahead, so send us an invoice. This is
 15 all you're going to get.

16 Q. They already got the prints and
 17 then they --

18 A. Yeah, yeah, it's not like today.
 19 Absolutely not like today. Sometimes people
 20 won't start and for -- a lot of times you
 21 say, you pay me upfront. But I can. I have
 22 the reputation. I'm not some punk kid
 23 photographer that's disposable, because I
 24 have a legacy that's huge.

25 Q. Back in the late '60s, early '70s,

22 (Pages 82 to 85)

1 Michael D. Rock
 2 remember that winter of -- yeah, you don't
 3 want to hear -- of '72, came over at the end
 4 of the Bowie tour, I hung around in New York,
 5 and Lou showed me around, and I said, "Wow,
 6 this makes London like a play pen."

7 Q. Rock 4D, this is a print from 1972?

8 A. Uh-huh.

9 Q. This is not a print of a print?

10 A. No.

11 Q. Or a copy?

12 A. That is straight from the negative,
 13 yes. By Mick Rock.

14 Q. And you -- and you said you don't
 15 think you ever got it back from the record
 16 label?

17 A. No, I don't. I think -- which was
 18 just as well, I made more than one print, so
 19 that I have mine.

20 Q. Right.

21 A. But it would have been like that,
 22 you know, because Lou -- I would have given
 23 Lou one, of course, I did.

24 Q. We talked a bit before about how,
 25 sort of, invoicing worked.

1 Michael D. Rock
 2 of the joke of it over the years, you know --
 3 Q. And you did get paid --
 4 A. I only got 200 for Raw Power, but I
 5 got a little bit more.

6 Q. Did you get paid?

7 A. He -- yeah, I got paid. I would
 8 remember if I didn't get paid. That, I would
 9 have remembered. But 100 pounds wasn't --
 10 considering the amount of records -- it
 11 wasn't much. On the other hand, it was a bit
 12 more back then, than it would be today, you
 13 know, I don't know what it would be
 14 equivalent to today, but, you know, no one
 15 paid much for anything. The music business
 16 was very tight and photographers were not
 17 high on the rung, particularly. They just
 18 wanted cheap photographs. I was just a Rock
 19 and Roll photographer, with a degree from
 20 Cambridge avoiding getting a real job, as my
 21 mother would say.

22 Q. You said that, I think, one of the
 23 other photos, you think, was used inside --

24 A. I think that was used
 25 promotionally, that one.

1 Michael D. Rock
 2 A. I don't think I can do a lot of
 3 depositions by the way. I am not available
 4 next week. Unless he tries to call me back.

5 Q. Do you recall what happened with
 6 this, in terms of how you got your 100 pound
 7 payment? Who made that --

8 A. I don't even know if it was the
 9 record label. I don't even know -- or maybe
 10 Ernie got the budget. I can't remember.
 11 It's just too -- it's too long ago and --

12 Q. Do you remember who you -- so Lou
 13 said, "I want this to go on the album cover"?

14 A. Yeah, and everybody --

15 Q. Who did you deliver the print to?

16 A. I think I gave it to Ernie, who was
 17 the art director. If you look at the back,
 18 you will see that credit. Ernie Thorman.

19 Q. And you think you would have talked
 20 to Ernie about, you know, how much are you
 21 going to pay me?

22 A. Uh-huh.

23 Q. So you remember exactly that it was
 24 100 pounds?

25 A. I know it was 100 pounds, because

1 Michael D. Rock
 2 Q. Oh, promotionally?
 3 A. Yeah, I don't know if I got an
 4 extra pro bid quid for that, possible. I am
 5 not sure. Unless there is somebody who knows
 6 these things.

7 Q. You talked about you made,
 8 obviously, a print of Rock 3?

9 A. There were other eight by ten
 10 prints, remember, that I already made.

11 Q. Did you deliver those to the record
 12 label as well?

13 A. No, I didn't -- no, I wouldn't have
 14 just handed them all over. It would have
 15 been -- it would have been by direction from
 16 Lou.

17 Q. I see. Did you give them to Lou?
 18 Did you just give the prints to Lou?

19 A. No, if I gave them to anybody, it
 20 might have been Ernie because I recall a
 21 piece of art being made, a promotional poster
 22 with that one on it. I do recall that. And
 23 Ernie, because I think he put the -- what you
 24 see, you see the lines, the arts on it, I
 25 think he probably put that on there as well.

<p style="text-align: right;">Page 194</p> <p>1 Michael D. Rock 2 A. No, no. I don't know any 3 photographer that would have done that. I 4 don't know any. And I know loads of people 5 from that -- who photographed in that time, a 6 lot of the photographers, and same thing. 7 But in all that pictures, and it's pretty 8 clear they -- 9 Q. So anybody who picked up this 10 album, they would see your name next to 11 "cover photo credit," but then they would see 12 the "C" circle for RCA Records, as well? 13 A. Yeah. 14 Q. Okay. 15 A. But that was for the recording and 16 for the package. They -- they -- to -- this 17 thing, you know, that's about the recording. 18 You're talking about standard of practice. 19 You go back and look at -- go look at the 20 Beatles albums. You think someone can go and 21 knock off a Beatles album cover without 22 having, like, 50 lawyers all over them to say 23 that if they rigged -- 24 Q. Maybe the white album cover. 25 A. Ah, maybe. No chance. Of course,</p>	<p style="text-align: right;">Page 196</p> <p>1 Michael D. Rock 2 Q. Okay. 3 A. I'm the only one that can do that. 4 Unless it's for publishing. So I have done a 5 lot of books over the years. Obviously, it's 6 been over the last, you know, 18, 19 years, 7 but before, you know, no. 8 Q. So you -- to your knowledge, the 9 only registration -- 10 A. In America. 11 Q. In America, that you believe covers 12 Rock 3 and Rock 4, is in the Exposed 13 registration? 14 A. I wonder if it's in the Bowie book, 15 that it may have been registered. I would 16 have to look into that. I never thought 17 about that, actually, until today. I was 18 thinking, what about the other books. I 19 mean, it was the Glam book, but I don't think 20 that was registered here. That was done in 21 England. 22 Q. Well, your complaint says that this 23 photo -- alleges that this photo is covered 24 by copyright Exposed, which is for the book, 25 am I correct?</p>
<p style="text-align: right;">Page 195</p> <p>1 Michael D. Rock 2 they have got endless funds, and they can win 3 their way through any caper that was going 4 on. No, you would be -- you'd probably end 5 up on Riker's Island, virtually, all the 6 Riker's Island of whatever. 7 Q. Okay. So you didn't register in 8 1972? 9 A. No. 10 Q. You didn't -- 11 A. I don't plan -- 12 Q. You didn't really get into these 13 things until the late '80s or '90s? 14 A. Probably late '80s, yeah. 15 Q. Did you register the photograph, 16 which is Rock 3? 17 A. That is registered in the Exposed 18 book, yeah. 19 Q. Did you register it outside of the 20 Exposed book? 21 A. No. 22 Q. Do you know if anybody registered 23 it, on your behalf, outside of the Exposed 24 book? 25 A. No, they couldn't do that.</p>	<p style="text-align: right;">Page 197</p> <p>1 Michael D. Rock 2 A. Yes, but I also claim it's totally 3 covered, anyway, because you don't have to 4 register. Well, the difference, if you don't 5 register, I have gathered, is you can't get 6 as much money, as you can if it's registered. 7 There seems to be a financial thing. If it's 8 registered, you can get a lot of more money, 9 than you can, if it's not registered. You 10 don't have to register it. It's, like, you 11 own the picture, unless you sign away the 12 rights to the photograph, which I never did. 13 I never did with any of my stuff. I own all 14 of them and no one has ever questioned, until 15 this moment. 16 Q. I'm just asking about the 17 registration, not whether you took the photo 18 or you own the photo. 19 A. I understand. I do own the photo. 20 Q. Right. So the registration -- 21 A. Your guy is just after whether he 22 can get away with merchandising it. He is 23 not claiming he owns the photograph, that 24 would be absurd. 25 Q. But with the registration --</p>

<p style="text-align: right;">Page 206</p> <p>1 Michael D. Rock 2 situation, you know, I don't know what -- I 3 am sure I would have used reasonably polite 4 language.</p> <p>5 Q. Did you explain to her you were 6 looking for this copyright correspondence?</p> <p>7 A. I -- I -- I don't know if I was 8 specific about it like that. It was more, 9 like, it's harder to find these things -- I 10 mean, I can send you the stuff.</p> <p>11 MR. LIEBOWITZ: We will get 12 that production to you.</p> <p>13 A. No, I mean, yes, I sent it to you. 14 You can see -- I deliberately sent it to you 15 so you can have it for the record. You said, 16 "Listen, Mick, if you can get a hold of her 17 or not, you must show that you have made 18 attempts to do it as part of this process," 19 so I definitely sent you that.</p> <p>20 MR. LIEBOWITZ: Okay.</p> <p>21 MS. CHEN: This will be 6. 22 Rock 6A through 6D. 23 (Rock Exhibits 6A-6D, Copies 24 of Book, marked for 25 identification, as of this</p>	<p style="text-align: right;">Page 208</p> <p>1 Michael D. Rock 2 Q. 6C, specifically. 3 A. Uh-huh. "Library of Congress 4 catalogue and publication, dates available." 5 So they can make it available. If I can find 6 the right person.</p> <p>7 Q. So you see that the second line of 8 6C says, "All photographs, photo art, and 9 text copyright," "C," circle, "2010, by Mick 10 Rock"?</p> <p>11 A. Yes.</p> <p>12 Q. What's the difference, just for my 13 purposes, what's the difference between 14 "photograph" and "photo art"?</p> <p>15 A. I think I have got a couple of 16 pieces of photo -- I do stuff with my 17 photographs sometimes -- let me have a look 18 at the book and I will show you what I mean.</p> <p>19 Q. So they're not photographs?</p> <p>20 A. Well, they're photo based. I don't 21 know. It might be that photo -- within those 22 photos. Things like that is "photo art."</p> <p>23 Q. Oh, I see. Okay.</p> <p>24 A. I have done a lot of that over the 25 years, so --</p>
<p style="text-align: right;">Page 207</p> <p>1 Michael D. Rock 2 date.)</p> <p>3 Q. I am showing you what's been marked 4 as exhibits Rock 6A through 6D. This was 5 produced --</p> <p>6 A. Do you get paid by the sheet?</p> <p>7 Q. -- as Mick -- I know but if we 8 could focus --</p> <p>9 A. I'm fucking focused. Sorry. I am 10 focused, believe you me.</p> <p>11 Q. This was produced as Rock 14 12 through 17. So these --</p> <p>13 A. Do you want it?</p> <p>14 MR. LIEBOWITZ: I have it.</p> <p>15 A. Oh, you have got it. Okay.</p> <p>16 Q. So these are copies of the book, 17 Mick Rock Exposed. This is the -- is it 18 correct, this is the book that's under the 19 copyright registration?</p> <p>20 A. Uh-huh.</p> <p>21 MR. LIEBOWITZ: Just say 22 "yes" or "no."</p> <p>23 A. Yes.</p> <p>24 MR. LIEBOWITZ: Okay.</p> <p>25 A. No, "uh-huh." That doesn't work.</p>	<p style="text-align: right;">Page 209</p> <p>1 Michael D. Rock 2 Q. So photo-based art --</p> <p>3 A. However you want to look at it. I 4 call it photo art and Ernie Warthog used to 5 call it "ripping photographs off," but that's 6 another story.</p> <p>7 Q. We will call it "photo-based art."</p> <p>8 A. Whatever you want to call it.</p> <p>9 Q. Well, I guess the difference is, 10 they're not prints of the picture that you 11 took on film, right?</p> <p>12 A. Correct.</p> <p>13 Q. They're not just straight 14 reproductions of those pictures?</p> <p>15 A. Correct.</p> <p>16 Q. Okay. And that's the difference 17 between a photograph and photo art?</p> <p>18 A. That's why I would have put that in 19 there, too, so that that was covered as well.</p> <p>20 Q. And you agree that the photo we are 21 all talking about, Rock 3, it's a photograph?</p> <p>22 A. Absolutely, 100 percent a 23 photograph, yes.</p> <p>24 Q. We also agree that it was first 25 published -- it was on the cover of --</p>

<p style="text-align: right;">Page 210</p> <p>1 Michael D. Rock 2 A. Yes. 3 Q. -- Transformer in 1972? 4 A. Never seen it anywhere else before 5 that. 6 Q. Rock 3 was not taken in 2010, 7 correct? 8 A. Which is Rock 3? 9 Q. It's right there. 10 A. No, no. Oh, I see, okay. I don't 11 do numbers too good. Show me what you want 12 -- anyway, fine. 13 Q. It was used -- it was taken and it 14 was used on the cover of Transformer in 1972? 15 A. Yes. 16 Q. And so then your copyright notice 17 is "C," circle sign, "2010, for all 18 photographs," that's not correct; is it? 19 MR. LIEBOWITZ: Well, 20 objection. That's a -- 21 A. Depends what you mean. 22 MR. LIEBOWITZ: It's a legal 23 question. I mean, he can't answer, 24 you know, a legal question around 25 copyright, so --</p>	<p style="text-align: right;">Page 212</p> <p>1 Michael D. Rock 2 A. Yes, because to go into everything, 3 if you want to dig into the book, the 4 pictures will have a date, but you can't, 5 like, just the publisher would not even allow 6 it. You would just waste space. 7 Q. But we all agree that the picture 8 wasn't created or published first in 2010? 9 A. No, but it probably says that in 10 the caption at the back, when it was taken. 11 I normally would do that, and I am sure it 12 was there. Probably with the location, too. 13 Q. Okay. So going back to the uses of 14 your Rock 3 photo, we already talked about 15 the fact that it was used on the Transformer 16 cover. 17 A. Uh-huh. 18 Q. What are the subsequent uses, that 19 you're aware of -- that you can remember off 20 the top of your head? 21 A. Probably magazines. 22 Q. We have gone over the Exposed book, 23 we talked about the Transformer book -- 24 A. We haven't talk about the Blue 25 Masque but, again, that doesn't have -- that</p>
<p style="text-align: right;">Page 211</p> <p>1 Michael D. Rock 2 A. It is applied to pictures taken at 3 all different times, and it's totally a 4 legitimate way to do it. I mean, I can -- I 5 tell you, nowadays, for instance, if the 6 Transformer picture were to be published 7 nowadays it would, actually, because it's a 8 specific photograph, have a "C" note, "Mick 9 Rock 1972, 2018," because I do that nowadays. 10 I do that in -- in -- because lawyers say, 11 just do it. I don't know that it actually 12 stops people from stealing, but it brings 13 them up a bit short. The fact I took the 14 photograph, is actually on the bottom line, 15 enough. I have checked that out at great 16 lengths. So it wouldn't matter when it was 17 taken, as long as -- as long as -- if I were 18 dead for 70 years, then that would change 19 everything, then the stuff would go public 20 domain, but I am not quite dead yet. I'm not 21 working on it. I did work on it. 22 Q. But I mean, does it say "2010," 23 because you registered -- 24 A. Yes. 25 Q. -- the book in 2010?</p>	<p style="text-align: right;">Page 213</p> <p>1 Michael D. Rock 2 doesn't have a -- but I did get paid more 3 money, but that doesn't have a "C" on it 4 either. 5 Q. So -- 6 A. But it was used a second time. I 7 allowed it. 8 Q. What other uses -- 9 A. I know it's in Moon Age Day Dream. 10 Well, I know it would have been -- there's 11 things that I haven't even gone around, 12 probably magazines, you know, you have to 13 understand how much work I have done, and how 14 long I have been around. I don't have every 15 single piece of stuff, otherwise, there would 16 be nowhere for me to sleep or my wife to live 17 or my cats to live, you know -- 18 Q. So, I mean, back in 1972, when this 19 album was released and I am sure there was PR 20 surrounding it, he went on tour. Do you 21 recall allowing magazines to use that photo 22 in the '70s? 23 A. Probably in the '70s, yeah, but I 24 am not -- you are asking me a specific -- can 25 I think of one, no, but I would have -- but</p>

<p>1 Michael D. Rock 2 there is a very famous picture, mine, of him 3 in the mirror, looking in the mirror. It's a 4 very famous shot. And he always loved that 5 shot. But it never appeared on an album 6 cover until a couple years before he died, 7 and he had a 12-inch compilation, and there 8 it was. And that happened with pictures of 9 Lou. I mean, even that one, ten years later, 10 it was on Blue Masque, but pictures would 11 show up on, you know, new albums, foreign 12 albums.</p> <p>13 Q. Okay. 14 A. It's -- 15 Q. So you don't recall any specific -- 16 A. No. 17 Q. Okay. Uses in 1970 or -- sorry, in 18 the 1970s, other than on the album cover? 19 A. No, I don't. No, I don't. 20 Q. Do you remember any specific uses 21 of Rock 3, that actual photograph, in the 22 1980s? 23 A. I don't know if I do, really. And, 24 again, if it happened before I had my heart 25 bypass surgery, it's amazing what that does</p>	<p>Page 218</p> <p>1 Michael D. Rock 2 would show what they would call "classic rock 3 images." And the books and the documentaries 4 and all these things, and -- which, you know, 5 the cleverest thing I ever did was to hang 6 onto my pictures. 7 Q. Oh, but you did allow one use in 8 the '80s, right, the Blue Masque album? 9 A. Yeah, yeah. Well, Lou asked me. 10 What was I going to say, "Oh, no, you can't 11 use that?" 12 Q. Do you remember any other instance 13 where Lou asked you to use this specific 14 photograph? 15 A. I cannot remember, to be honest 16 with you. I did live a lot in the present, 17 you have to understand. Again, the interest 18 in the old photography, the classic rock, you 19 might say. Initially, it was for the '60s 20 stuff, but as time -- nowadays, it's -- 21 actually seems to be more for the '70s. I 22 don't -- if you get me started, we're going 23 to side bar all over the place, because it's 24 a bit like doing a Q and A after -- after a 25 talk and then, you know --</p>
<p>Page 219</p> <p>1 Michael D. Rock 2 to you, darling, I don't recommend it, but it 3 will short circuit a lot of things. I do 4 remember a lot of things clearly, but it 5 would be in the process of shooting pictures, 6 rather than, you know, that's all -- because 7 that's what I'm about, above all. 8 Q. What about in the '90s, do you 9 remember any uses -- 10 A. I would have to look and, I mean, 11 you know, things would come up -- well, but I 12 can't remember specific usage. 13 Q. Were you selling prints throughout 14 this time -- 15 A. No. 16 Q. -- of this photograph? 17 A. No, that's a much more -- that 18 really has come with the new millennium. 19 Q. So you didn't start selling prints 20 of your photographs until 2000s? 21 A. Probably a couple of things in the 22 late '90s, yeah, yeah. But that -- you know, 23 dictated by the market place, if you'd like. 24 That's when the interest started to come, and 25 that's when galleries started to shop, that</p>	<p>Page 221</p> <p>1 Michael D. Rock 2 Q. We talked about Transformer, we 3 just mentioned the Blue Masque. Are your 4 pictures on the cover of any other Lou Reed 5 albums? 6 A. I don't think so. I think I would 7 have remembered that. I don't think so. 8 Q. Okay. 9 A. Because I have all these other 10 pictures and that's -- it's mostly identified 11 with Transformer, which was a huge and 12 remains his biggest ever selling album, you 13 know -- 14 Q. So let's talk about -- 15 A. So people would talk -- a lot of 16 people may not even know it was on Blue 17 Masque, you know -- 18 Q. Let's talk about the Blue Masque. 19 MS. CHEN: This will be Rock 20 7A and 7B. 21 (Rock Exhibits 7A-7B, 22 front/back Album Cover, 23 marked for identification, 24 as of this date.) 25 Q. I am showing you what's been marked</p>

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